

COMPREHENSIVE PEACE IN SUDAN ACT

MARKUP

BEFORE THE
SUBCOMMITTEE ON AFRICA
OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

ON

H.R. 5061

SEPTEMBER 30, 2004

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COMPREHENSIVE PEACE IN SUDAN ACT

THURSDAY, SEPTEMBER 30, 2004

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to call, at 3:35 p.m. in room 2172, Rayburn House Office Building, Hon. Edward R. Royce (Chairman of the Subcommittee) presiding.

Mr. ROYCE. This is a markup of H.R. 5061, the Comprehensive Peace in Sudan Act. Pursuant to notice, I call up the bill H.R. 5061, Comprehensive Peace in Sudan Act, for purposes of markup.
[The bill, H.R. 5061, follows:]

108TH CONGRESS
2D SESSION

H. R. 5061

To provide assistance for the current crisis in the Darfur region of Sudan
and to facilitate a comprehensive peace in Sudan.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2004

Mr. TANCREDO (for himself, Mr. PITTS, Mr. FRANKS of Arizona, Mr. LANTOS, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in Sudan.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Comprehensive Peace
5 in Sudan Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-

1 mittees” means the Committee on International Re-
2 lations of the House of Representatives and the
3 Committee on Foreign Relations of the Senate.

4 (2) JEM.—The term “JEM” means the Justice
5 and Equality Movement.

6 (3) SPLM.—The term “SPLM” means the
7 Sudan People’s Liberation Movement.

8 (4) SLA.—The term “SLA” means the Sudan
9 Liberation Army.

10 (5) GOVERNMENT OF SUDAN.—The term “Gov-
11 ernment of Sudan” means the National Islamic
12 Front government in Khartoum, Sudan, or any suc-
13 cessor government formed on or after the date of the
14 enactment of this Act (other than the coalition gov-
15 ernment agreed upon in the Nairobi Declaration on
16 the Final Phase of Peace in the Sudan).

17 **SEC. 3. FINDINGS.**

18 Congress makes the following findings:

19 (1) Since seizing power through a military coup
20 in 1989, the Government of Sudan has repeatedly
21 attacked and dislocated civilian populations in south-
22 ern Sudan in a coordinated policy of ethnic cleansing
23 that cost the lives of over 2,000,000 people and dis-
24 placed more than 4,000,000 people.

1 (2) The Governments of the United States, the
2 United Kingdom, and Norway have each committed
3 significant resources to promote an internationally
4 supported peace process between the Government of
5 Sudan and the Sudan People's Liberation Movement
6 (SPLM), under the auspices of the Inter-Govern-
7 mental Authority on Development.

8 (3) Following the signing of the Machakos
9 Agreement in July 2002, the Government of Sudan
10 and the SPLM reached a number of important
11 agreements on issues such as self-determination, se-
12 curity arrangements, and wealth and power sharing,
13 culminating in the final framework agreement, the
14 Nairobi Declaration on the Final Phase of Peace in
15 the Sudan, signed on June 6, 2004.

16 (4) Despite efforts to negotiate a settlement be-
17 tween the Government of Sudan and the SPLM, a
18 conflict between forces of the Government of Sudan,
19 including militia forces backed by the Government,
20 and rebel forces (the Sudan Liberation Army (SLA)
21 and the Justice and Equality Movement (JEM)) in
22 the impoverished Darfur region of western Sudan,
23 began in early 2003 and has resulted in attacks by
24 ground and air forces of the Government of Sudan

1 against innocent civilians and undefended villages in
2 the region.

3 (5) The United Nations estimates that
4 2,200,000 people are conflict-affected in the Darfur
5 region and neighboring Chad, 1,200,000 people have
6 been internally displaced, 200,000 people have fled
7 into Chad, and 50,000 people have been killed.

8 (6) The United States Agency for International
9 Development projects that the violence and the ob-
10 struction of the delivery of food, shelter, and medical
11 care to people of Darfur will result in the death of
12 an estimated 320,000 people between April 1, 2004,
13 and December 31, 2004.

14 (7) Sudanese Government forces and govern-
15 ment supported militia forces have also engaged in
16 the use of rape as a weapon of war, the abduction
17 of children, the destruction of food and water
18 sources, and the deliberate and systematic manipula-
19 tion and denial of humanitarian assistance for the
20 people of the Darfur region.

21 (8) The United Nations High Commissioner for
22 Human Rights identified “massive human rights vio-
23 lations in Darfur perpetrated by the Government of
24 Sudan and the Janjaweed, which may constitute war
25 crimes and/or crimes against humanity”.

1 (9) The United Nations Special Rapporteur on
2 Extrajudicial, Summary or Arbitrary Executions
3 stated in a recent report to the United Nations Sub-
4 Commission on Human Rights that “[i]t is beyond
5 doubt that the [G]overnment of Sudan is responsible
6 for extrajudicial and summary executions of large
7 numbers of people over the last several months in
8 the Darfur region”, and that “[t]he current humani-
9 tarian disaster unfolding in Darfur, for which the
10 government is largely responsible, has put millions of
11 civilians at risk”.

12 (10) The Department of State, in a press brief-
13 ing on June 24, 2004, stated, as of the time of the
14 briefing: “301 villages in Darfur have been de-
15 stroyed and 76 have been damaged. There have been
16 crops burned, killed or stolen cattle, and destroyed
17 irrigation systems.”.

18 (11) Attacks on civilians in the Darfur region
19 continue despite an April 8, 2004, temporary cease-
20 fire agreement reached between the Government of
21 Sudan and the JEM and SLA rebel groups in
22 N’Djamena, Chad.

23 (12) On July 22, 2004, the United States
24 House of Representatives and Senate both declared

1 that the atrocities unfolding in Darfur, Sudan are
2 genocide.

3 (13) On September 9, 2004, Secretary of State
4 Colin L. Powell stated before the Senate Committee
5 on Foreign Relations: “When we reviewed the evi-
6 dence compiled by our team, along with other infor-
7 mation available to the State Department, we con-
8 cluded that genocide has been committed in Darfur
9 and that the Government of Sudan and the jinjaweid
10 bear responsibility—and genocide may still be occur-
11 ring.”

12 (14) On July 30, 2004, the United Nations Se-
13 curity Council passed Resolution 1556, calling upon
14 the Government of Sudan to disarm the Janjaweed
15 militias, apprehend and bring to justice Janjaweed
16 leaders and their associates who have incited and
17 carried out violations of human rights and inter-
18 national humanitarian law, as well as other atroc-
19 ities in the Darfur region.

20 (15) The cooperation and mediation of the
21 SPLM is critical to bringing about a political settle-
22 ment between the Government of Sudan, the SLA,
23 and the JEM.

24 (16) Practical implementation of a comprehen-
25 sive peace agreement for Sudan, as envisioned in the

1 Sudan Peace Act (50 12 U.S.C. 1701 note), and in
 2 the Machakos Protocol of 2002, is hampered by the
 3 ongoing violence in the Darfur region and by the
 4 Government of Sudan's complicity in the violence.

5 (17) The final framework peace agreement be-
 6 tween the Government of Sudan and the SPLM is
 7 at great risk of collapse. Since the signing of the
 8 Nairobi Declaration on the Final Phase of Peace in
 9 the Sudan, the Government of Sudan has frustrated
 10 the process of the Inter-Governmental Authority on
 11 Development by pursuing delay tactics and raising
 12 new issues in the negotiations.

13 (18) Moreover, the Government of Sudan's
 14 complicity in the atrocities in the Darfur region
 15 raises fundamental questions about the Government
 16 of Sudan's commitment to peace and stability in
 17 Sudan.

18 **SEC. 4. SENSE OF CONGRESS REGARDING GENOCIDE AND**
 19 **THE CONFLICT IN DARFUR, SUDAN.**

20 (a) SUDAN PEACE ACT.—It is the sense of Congress
 21 that the Sudan Peace Act (50 U.S.C. 1701 note) remains
 22 relevant and should be extended to include the Darfur re-
 23 gion of Sudan.

24 (b) ACTIONS TO ADDRESS GENOCIDE AND THE CON-
 25 FFLICT IN DARFUR.—It is the sense of Congress that—

1 (1) the atrocities unfolding in the Darfur region
2 of Sudan are genocide;

3 (2) the Government of Sudan has violated the
4 Convention on the Prevention and Punishment of
5 the Crime of Genocide, signed at Paris on December
6 9, 1948, to which it is a contracting party, as a re-
7 sult of its complicity in the violence in the Darfur
8 region;

9 (3) a legitimate countrywide peace in Sudan
10 will only be possible if the principles enumerated in
11 the 1948 Universal Declaration of Human Rights,
12 the Machakos Protocol of 2002, and the Nairobi
13 Declaration on the Final Phase of Peace in the
14 Sudan are applied to all of Sudan, including the
15 Darfur region;

16 (4) the parties to the Humanitarian Ceasefire
17 on the Conflict in Darfur (the Government of
18 Sudan, the SLA, and the JEM), signed in
19 N'Djamena, Chad, on April 8, 2004, must meet
20 their obligations under that agreement, including—

21 (A) to give up the use of force as a means
22 of settling the conflict in the Darfur region;

23 (B) to allow safe and immediate access of
24 all humanitarian assistance throughout the
25 Darfur region;

1 (C) to allow the deployment of and cooper-
2 ate with international monitors and security
3 forces; and

4 (D) to expedite the conclusion of a political
5 agreement to end the conflict in the Darfur re-
6 gion;

7 (5) the President should impose targeted sanc-
8 tions on the assets and activities of those Sudanese
9 Government officials and other individuals who are
10 determined to be involved in carrying out or other-
11 wise involved in the policy of genocide in the Darfur
12 region, as well as on the assets and activities of
13 businesses controlled by the Government of Sudan
14 and the National Congress Party;

15 (6) the United States Government should not
16 normalize relations with Sudan, including through
17 the lifting of any sanctions, until the Government of
18 Sudan agrees to and implements a comprehensive
19 peace agreement for all areas of Sudan, including
20 the Darfur region;

21 (7) the United States and the international
22 community should use all necessary means to assist
23 international monitors and security forces in the
24 Darfur region, particularly the African Union moni-
25 toring team, in order to ensure an appropriate inter-

1 national humanitarian response to, and the protec-
2 tion of human life and human rights in, the Darfur
3 region;

4 (8) the United States should continue to pro-
5 vide humanitarian assistance to the areas of Sudan
6 to which the United States has access;

7 (9) the member states of the United Nations,
8 particularly the member states from the African
9 Union, the Arab League, and the Organization of
10 the Islamic Conference, should undertake measures
11 to prevent the genocide in the Darfur region from
12 escalating further, including the imposition of tar-
13 geted sanctions against those responsible for the
14 atrocities;

15 (10) in the areas of Sudan to which humani-
16 tarian access by the United States is obstructed or
17 denied, the United States should provide humani-
18 tarian assistance through nongovernmental organiza-
19 tions, regardless of opposition to such assistance by
20 the Government of Sudan; and

21 (11) the international community, including Af-
22 rican, Arab, and Muslim nations, should immediately
23 provide logistical, financial, in-kind, and personnel
24 resources necessary to save the lives of hundreds of
25 thousands of individuals in the Darfur crisis;

1 **SEC. 5. DISCLOSURE OF BUSINESS ACTIVITIES IN SUDAN.**

2 (a) ANNUAL REPORT TO CONGRESS.—The Secretary
3 of the Treasury shall, not later than 6 months after the
4 date of the enactment of this Act, and not later than the
5 end of each 1-year period thereafter, submit to the Con-
6 gress a report that includes—

7 (1) the identity of all entities that are engaged
8 in commercial activity in Sudan;

9 (2) the nature and extent of that commercial
10 activity in Sudan, including any plans for expansion
11 or diversification;

12 (3) the identity of all agencies of the Sudanese
13 Government with which any such entity is doing
14 business; and

15 (4) the relationship of the commercial activity
16 to any violations of religious freedom and other
17 human rights in Sudan.

18 (b) DISCLOSURE TO THE PUBLIC.—The Secretary of
19 the Treasury shall publish or otherwise make available to
20 the public each report submitted under subsection (a).

21 **SEC. 6. PROHIBITION ON TRADING IN UNITED STATES CAP-**
22 **ITAL MARKETS.**

23 (a) PROHIBITION.—The President shall exercise the
24 authorities he has under the International Emergency
25 Economic Powers Act (without regard to the requirements

1 set forth in section 202 of that Act) to prohibit any entity
2 engaged in any commercial activity in Sudan—

3 (1) from raising capital in the United States; or

4 (2) from trading its securities (or depository re-
5 cepts with respect to its securities) in any capital
6 market in the United States.

7 (b) PENALTIES.—The penalties under section 206 of
8 the International Emergency Economic Powers Act shall
9 apply to violations under subsection (a) to the same extent
10 as such penalties apply to violations under that Act.

11 **SEC. 7. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.**

12 (a) SANCTIONS.—

13 (1) SUDAN PEACE ACT.—Beginning on the date
14 of the enactment of this Act, the President shall,
15 notwithstanding paragraph (1) of section 6(b) of the
16 Sudan Peace Act (50 U.S.C. 1701 note), implement
17 the measures set forth in subparagraphs (A)
18 through (D) of paragraph (2) of such section.

19 (2) HOMELAND SECURITY ACT OF 2002.—Be-
20 ginning on the date of the enactment of this Act, the
21 Secretary of State shall, notwithstanding section
22 428(b) of the Homeland Security Act of 2002 (6
23 U.S.C. 236(b)), prohibit the granting of a visa to—

24 (A) a senior member of the Government of
25 Sudan;

1 (B) a senior official of the military of
2 Sudan; or

3 (C) a family member of an individual de-
4 scribed in subparagraph (A) or (B).

5 (b) SUSPENSION OF SANCTIONS.—The President
6 may suspend the application of paragraph (1) or (2) of
7 subsection (a), or both, if the President determines and
8 certifies to the appropriate congressional committees that
9 the Government of Sudan has—

10 (1) taken demonstrable steps to ensure that the
11 armed forces and the militias, known as the
12 Janjaweed, are not attacking civilians;

13 (2) taken significant demonstrable and
14 verifiable steps to demobilize and disarm the
15 Janjaweed in the Darfur region;

16 (3) ceased harassment of aid workers, including
17 those who report human rights abuses, and allowed
18 unfettered humanitarian access to the Darfur re-
19 gion;

20 (4) fully cooperated with the deployment and
21 operation of international monitors and security
22 forces, particularly the African Union monitoring
23 team, for the Darfur region;

24 (5) is taking demonstrable steps to ensure the
25 safe return of displaced persons and refugees to

1 their homes, and rebuilding the communities de-
2 stroyed in the violence;

3 (6) implemented the Nairobi Declaration on the
4 Final Phase of Peace in the Sudan; and

5 (7) installed a new coalition government based
6 on the agreements reached in the Nairobi Declara-
7 tion on the Final Phase of Peace in the Sudan and
8 is otherwise accommodating the new coalition gov-
9 ernment formed as a result of the agreement.

10 (c) REINSTATEMENT OF SANCTIONS.—The President
11 shall reinstate the sanctions listed in paragraph (1) or (2)
12 of subsection (a), or both, that have been suspended under
13 subsection (b) (as the case may be) if at any time the
14 President determines that the Government of Sudan is no
15 longer in compliance with any of the criteria listed in para-
16 graphs (1) through (8) of such subsection.

17 (d) WAIVER.—The President may waive the applica-
18 tion of paragraph (1) or (2) of subsection (a), or both,
19 if the President determines and certifies to the appro-
20 priate congressional committees that exceptional cir-
21 cumstances in support of peace in Sudan necessitate such
22 a waiver.

1 **SEC. 8. MULTILATERAL EFFORTS.**

2 The Secretary of State should direct the United
3 States Permanent Representative to the United Nations
4 to—

5 (1) press the United Nations Security Council
6 to pursue accountability for those who are found re-
7 sponsible for orchestrating and carrying out the
8 atrocities in the Darfur region, which shall include
9 advocating for an ad hoc international criminal tri-
10 bunal for the prosecution of war crimes, crimes
11 against humanity, and genocide;

12 (2) encourage member states of the United Na-
13 tions to—

14 (A) freeze the assets of senior members of
15 the Government of Sudan and their families
16 held in each such member state;

17 (B) cease to import Sudanese oil;

18 (C) restrict the entry or transit of senior
19 members of the Government of Sudan and their
20 families through each such member; and

21 (D) deny permission for any aircraft reg-
22 istered in Sudan to take off from, land in, or
23 overfly each such member state; and

24 (3) urge member states of the United Nations
25 to cease selling arms to the Government of Sudan,
26 including by—

1 (A) taking the necessary measures to pre-
2 vent the sale or supply, to the Government of
3 Sudan and its mercenaries, including the
4 Janjaweed and the Popular Defense Forces, op-
5 erating in the states of North Darfur, South
6 Darfur and West Darfur, by the nationals of
7 such member states, from the territories of
8 such member states, or through the use of flag
9 vessels or aircraft of such member states, of
10 arms and related materiel of all types, including
11 weapons and ammunition, military vehicles and
12 equipment, paramilitary equipment, and spare
13 parts for the Government of Sudan and its mer-
14 cenaries, as well as technical training or assist-
15 ance related to the provision, manufacture,
16 maintenance or use of such items, whether or
17 not originating in the territories of such mem-
18 ber states; and

19 (B) ensuring that the measures imposed in
20 subparagraph (A) shall not apply to—

21 (i) supplies and related technical
22 training and assistance to monitoring,
23 verification or peace support operations,
24 including such operations led by regional
25 organizations, that are authorized by the

1 United Nations or are operating with the
2 consent of the relevant parties;

3 (ii) supplies of non-lethal military
4 equipment intended solely for humani-
5 tarian, human rights monitoring or protec-
6 tive use, and related technical training and
7 assistance; and

8 (iii) supplies of protective clothing, in-
9 cluding flak jackets and military helmets,
10 for the personal use of United Nations per-
11 sonnel, human rights monitors, representa-
12 tives of the media and humanitarian and
13 development workers and associated per-
14 sonnel.

15 **SEC. 9. AMENDMENTS TO THE SUDAN PEACE ACT.**

16 (a) ASSISTANCE FOR THE CRISIS IN DARFUR AND
17 FOR COMPREHENSIVE PEACE IN SUDAN.—

18 (1) IN GENERAL.—The Sudan Peace Act (50
19 U.S.C. 1701 note) is amended by adding at the end
20 the following new section:

21 **“SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND**
22 **FOR COMPREHENSIVE PEACE IN SUDAN.**

23 “(a) ASSISTANCE TO SUPPORT A COMPREHENSIVE
24 FINAL PEACE AGREEMENT IN SUDAN AND TO RESPOND
25 TO THE HUMANITARIAN CRISIS IN DARFUR.—

1 “(1) AUTHORITY.—Subject to the requirements
2 of this section, the President is authorized to provide
3 assistance for Sudan to support the implementation
4 of a comprehensive peace agreement that applies to
5 all regions of Sudan, including the Darfur region,
6 and to address the humanitarian and human rights
7 crisis in the Darfur region and its impact on eastern
8 Chad.

9 “(2) REQUIREMENT FOR CERTIFICATION.—
10 Notwithstanding section 501(a) of the Assistance for
11 International Malaria Control Act (Public Law 106–
12 570; 50 U.S.C. 1701 note), assistance authorized
13 under this section may be provided to the Govern-
14 ment of Sudan only if the President submits the cer-
15 tification described in paragraph (3).

16 “(3) CERTIFICATION FOR THE GOVERNMENT
17 OF SUDAN.—The certification referred to in para-
18 graph (2) is a certification submitted by the Presi-
19 dent to the appropriate congressional committees
20 that the Government of Sudan has taken demon-
21 strable steps to—

22 “(A) ensure that the armed forces of
23 Sudan and any associated militias are not com-
24 mitting atrocities or obstructing human rights

1 monitors or the provision of humanitarian as-
2 sistance or human rights monitors;

3 “(B) demobilize and disarm militias sup-
4 ported or created by the Government of Sudan;

5 “(C) allow full and unfettered humani-
6 tarian assistance to all regions of Sudan, in-
7 cluding Darfur;

8 “(D) allow an international commission of
9 inquiry to conduct its investigation of atrocities
10 in the Darfur region and Khartoum, preserve
11 evidence of atrocities and prosecute those re-
12 sponsible for war crimes, crimes against hu-
13 manity, and genocide;

14 “(E) cooperate fully with the African
15 Union and all other observer and monitoring
16 missions mandated to operate in Sudan;

17 “(F) implement the Nairobi Declaration on
18 the Final Phase of Peace in the Sudan;

19 “(G) install a new coalition government
20 based on the agreements reached in the Nairobi
21 Declaration on the Final Phase of Peace in the
22 Sudan; and

23 “(H) ensure that the parties to the agree-
24 ments reached in the Nairobi Declaration on
25 the Final Phase of Peace in the Sudan accept

1 the new coalition government formed as a result
2 of the agreement.

3 “(4) SUSPENSION OF ASSISTANCE.—If, on a
4 date after the President submits the certification de-
5 scribed in paragraph (3), the President determines
6 that the Government of Sudan has ceased taking the
7 actions described in such paragraph, the President
8 shall immediately suspend the provision of any as-
9 sistance to such Government until the date on which
10 the President certifies that the Government of
11 Sudan has resumed taking such actions.

12 “(5) AUTHORIZATION OF APPROPRIATIONS.—

13 “(A) IN GENERAL.—There is authorized to
14 be appropriated to the President to provide the
15 assistance described in paragraph (1),
16 \$450,000,000 for fiscal year 2005, in addition
17 to any other funds otherwise available for such
18 purpose. Of such amount, \$150,000,000 may be
19 made available both for humanitarian assist-
20 ance in the Darfur region of Sudan and eastern
21 Chad in response to the ongoing crisis, notwith-
22 standing any provision of law other than the
23 provisions of this section.

24 “(B) AVAILABILITY.—Amounts appro-
25 priated pursuant to the authorization of appro-

1 purchases under subparagraph (A) are author-
2 ized to remain available until expended.

3 “(b) GOVERNMENT OF SUDAN DEFINED.—In this
4 section, the term ‘Government of Sudan’ means the Na-
5 tional Islamic Front government in Khartoum, Sudan, or
6 any successor government formed on or after the date of
7 the enactment of this Act (other than the coalition govern-
8 ment agreed upon in the Nairobi Declaration on the Final
9 Phase of Peace in the Sudan).”.

10 (2) CONFORMING AMENDMENT.—Section 3(2)
11 of such Act is amended by striking “The” and in-
12 serting “Except as provided in section 12, the”.

13 (b) REPORTING REQUIREMENT.—Section 8 of the
14 Sudan Peace Act (50 U.S.C. 1701 note) is amended in
15 the first sentence by striking “Sudan.” and inserting
16 “Sudan, including the conflict in the Darfur region.”.

17 **SEC. 10. REPORT ON UNITED STATES RESPONSE TO A COM-**
18 **PREHENSIVE PEACE AGREEMENT FOR**
19 **SUDAN.**

20 (a) REPORT.—Not later than 60 days after the date
21 of enactment of this Act, the President shall submit to
22 the appropriate congressional committees a report on the
23 planned United States response to a comprehensive peace
24 agreement for Sudan.

1 (b) CONTENT.—The report required by subsection
2 (a) shall include—

3 (1) a description of the planned United States
4 response to a modified peace process between the
5 Government of Sudan and the SPLM that would ac-
6 count for the implementation of a peace in all re-
7 gions of Sudan, in particular Darfur;

8 (2) a contingency plan for extraordinary hu-
9 manitarian assistance should the Government of
10 Sudan continue to obstruct or delay the inter-
11 national humanitarian response to the crisis in
12 Darfur, Sudan;

13 (3) a notification and explanation of the Presi-
14 dent's intent, or lack thereof, to impose targeted
15 sanctions on the assets and activities of those Suda-
16 nese government officials and other individuals that
17 are involved in carrying out the policy of genocide in
18 the Darfur region, as well as on the assets and ac-
19 tivities of businesses controlled by the Government
20 of Sudan and the National Congress Party; and

21 (4) a notification and explanation of the Gov-
22 ernment of the United States' intent, or lack there-
23 of, to normalize relations with Sudan, including
24 through the lifting of any sanctions, until the Gov-
25 ernment of Sudan agrees to and implements a com-

1 prehensive peace agreement for all areas of Sudan,
2 including Darfur.

3 (c) FORM OF REPORT.—The report required by sub-
4 section (a) may be submitted in classified form.

5 **SEC. 11. ADDITIONAL AUTHORITIES; EXCEPTION TO EX-**
6 **PORT PROHIBITIONS.**

7 (a) ADDITIONAL AUTHORITIES.—Notwithstanding
8 any other provision of law, the President is authorized to
9 undertake appropriate programs using Federal agencies,
10 grants or contractual arrangements, or direct support of
11 indigenous groups, agencies, or organizations in areas out-
12 side of control of the Government of Sudan in an effort
13 to provide emergency relief, promote economic self-suffi-
14 ciency, build civil authority, provide education, enhance
15 rule of law and the development of judicial and legal
16 frameworks, support people-to-people reconciliation ef-
17 forts, or implement any program in support of any viable
18 peace agreement at the local, regional, or national level
19 in Sudan.

20 (b) EXCEPTION TO EXPORT PROHIBITIONS.—Not-
21 withstanding any other provision of law, the prohibitions
22 set forth with respect to Sudan in Executive Order No.
23 13067 of November 3, 1997 (62 Fed. Reg. 59989) shall
24 not apply to any export from an area in Sudan outside
25 of control of the Government of Sudan, or to any nec-

1 essary transaction directly related to that export, if the
2 President determines that the export or related trans-
3 action, as the case may be, would directly benefit the eco-
4 nomic development of that area and its people.

○

Mr. ROYCE. Without objection, the bill will be considered as read and open for amendment at any point. I now recognize myself for the purpose of explaining the bill. Firstly, I would like to commend the authors of this measure, Mr. Tancredo and Mr. Payne. This legislation does several things. It contains a sense of Congress that the Sudan Peace Act, which became law in 2002, remains relevant and should be extended to include the Darfur region of Sudan. In judgment, Congress declared the killing in Darfur to be genocide. Secretary Powell made the same statement earlier this month. Other Members will no doubt speak to the human disaster in this region.

It is clear to me, and I think most Members of this Committee, that peace in Sudan is indivisible. This provision makes that explicit. It amends the Sudan Peace Act so that a visa ban against senior Sudanese Government officials is put in place immediately, unless the President has determined that the Government has made significant progress on Darfur and on the North South peace negotiations. Triggering this sanction is the least we can do, given the Government's support for genocide in Darfur. I think it is clear that the Administration has been moving in the direction of imposing this sanction under the Sudan Peace Act, which is due for a biannual review next month.

The bill also authorizes funding for the implementation of a comprehensive peace agreement. The bill also endorses aggressive action at the U.N. Security Council, including an asset freeze against senior Sudanese Government officials, as well as a ban on the trade of Sudanese oil, and an arms ban against the Government of Sudan. The bill also contains the capital markets ban that the House passed with the original Sudan Peace Act. I understand Mr. Tancredo will be offering an amendment to this bill. And this amendment gives the bill a better chance of becoming law before this Congress adjourns. We do not have much time to act. With that said, I will now turn to Mr. Payne for any comments he may have.

Mr. PAYNE. Thank you, Mr. Chairman. Thank you for your support of H.R. 5061, to provide assistance for the current crisis in Darfur and to facilitate a comprehensive peace plan in Sudan. Your decision to mark up this bill in the interest of expediting it to bring it to the Floor is commended. We know that there is just a short amount of time left and your cooperation and interest in bringing this up is certainly appreciated by all of us, as is your work with the Committee in general. The bill, under the strong leadership of Mr. Tancredo of Colorado, is a continuation of the broad bipartisan coalition that has sought to help bring about peace in Darfur. And let me include the Chairman of the Full Committee, Mr. Hyde, who has a very strong interest in this question. We are trying to bring about peace in Darfur, as I mentioned.

But these numbers, as I mentioned, 50,000—and increasing—people that have been brutally killed and millions more made homeless and displaced. Also in the spirit of work done over the years by Mr. Tancredo and Mr. Wolf and Senators Brownback and Lugar and Frist, now Senator Corzine and myself, bipartisan, to facilitate the comprehensive peace between the north and the south.

H.R. 5061 amends the Sudan Peace Act as it has been indicated and restates the congressional declaration of genocide, requires a report from the Treasury Department on all commercial activities in Sudan, imposes capital markets sanctions on entities doing business in Sudan, places visa bans on Sudanese Government officials and provides \$450 million—\$150 million of which would go toward the humanitarian crisis in Darfur and Chad and includes supporting the African Union mission. And \$300 million would go toward the development of southern Sudan over the next 3 years, starting in fiscal year 2005.

Mr. Chairman, this is our response to the declaration of genocide. Since we have done it, we need to show that it is important and that in addition to the word, that action is taken. It is important that we make the right decision and take strong, swift action in the face of this genocide because what we do now has serious consequences for the future. The unprecedented action of declaring genocide both by the U.S. Congress and by the Administration is not enough. Now we must, through the actions authorized in H.R. 5061, send a message to the Government of Sudan and other Governments in the future that genocide is not only morally reprehensible, but it will not be tolerated and that the international community will respond.

Therefore, Mr. Chairman, I urge our counterparts in the EU and the AU (African Union) to take similar action in the wake of genocide. It is the responsibility of the entire international community. This is a global village and we need everyone's support. With that, I yield back the balance of my time and I thank you again.

Mr. ROYCE. Thank you Mr. Payne. I now want to recognize the author of this measure, Mr. Tancredo, for any opening statement he might like to make and also for the purpose of offering an amendment.

Mr. TANCREDO. Thank you, Mr. Chairman. I have a few brief words, as I think both you and Mr. Payne have certainly accurately and adequately described the bill before us. This is interesting in that we keep naming bills that refer to peace in Sudan. I was the author of the Sudan Peace Act, and this particular piece of legislation carries as lofty a term. I just hope that we are able to, in a very short period of time, see that the title of the bill actually becomes the reality in the world and on the ground in Sudan.

It is time for peace in that country. We are hoping that what we are doing here today will facilitate the movement toward a total and final peace in Sudan, the culmination of the Naivasha Accords, and the final agreements being signed and implemented. It is important, I understand, for us to do what we need to do to look at what is going on in Darfur. I think it is morally important for us to do it. The politics of it are one thing, but the morality is another. It is imperative that Congress, I think, shine a light to the extent that we are able to shine it on the tragedy in Darfur and Sudan as a whole.

With that, Mr. Chairman, I have no other comments except to say I have an amendment in the nature of a substitute at the desk.

Mr. ROYCE. Without objection, the amendment in the nature of a substitute will be considered as read and will be considered as the base text for purposes of amendment. I am going to recognize

you, Mr. Tancredo, to explain the amendment at this point. I think the amendment is at the desk.

Mr. TANCREDO. It is at the desk.

[The amendment in the nature of a substitute follows:]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5061
OFFERED BY MR. TANCREDO OF COLORADO**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Comprehensive Peace
3 in Sudan Act”.

4 SEC. 2. DEFINITIONS.

5 In this Act:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means the Committee on International Re-
9 lations of the House of Representatives and the
10 Committee on Foreign Relations of the Senate.

11 (2) JEM.—The term “JEM” means the Justice
12 and Equality Movement.

13 (3) SPLM.—The term “SPLM” means the
14 Sudan People’s Liberation Movement.

15 (4) SLA.—The term “SLA” means the Sudan
16 Liberation Army.

17 (5) GOVERNMENT OF SUDAN.—The term “Gov-
18 ernment of Sudan” means the National Islamic

1 Front government in Khartoum, Sudan, or any suc-
2 cessor government formed on or after the date of the
3 enactment of this Act (other than the coalition gov-
4 ernment agreed upon in the Nairobi Declaration on
5 the Final Phase of Peace in the Sudan).

6 **SEC. 3. FINDINGS.**

7 Congress makes the following findings:

8 (1) Since seizing power through a military coup
9 in 1989, the Government of Sudan repeatedly has
10 attacked and dislocated civilian populations in south-
11 ern Sudan in a coordinated policy of ethnic cleansing
12 that has cost the lives of over 2,000,000 people and
13 displaced more than 4,000,000 people.

14 (2) The Governments of the United States, the
15 United Kingdom, and Norway each have committed
16 significant resources to promote an internationally
17 supported peace process between the Government of
18 Sudan and the Sudan People's Liberation Movement
19 (SPLM), under the auspices of the Inter-Govern-
20 mental Authority on Development.

21 (3) Following the signing of the Machakos
22 Agreement in July 2002, the Government of Sudan
23 and the SPLM reached a number of important
24 agreements on issues such as self-determination, se-
25 curity arrangements, and wealth and power sharing,

1 culminating in a final framework agreement, the
2 Nairobi Declaration on the Final Phase of Peace in
3 the Sudan, signed on June 6, 2004.

4 (4) In early 2003, while the Government of
5 Sudan and the SPLA were negotiating for a final,
6 country-wide peace, armed conflict between forces of
7 the Government of Sudan, including militia forces
8 backed by the Government, and rebel forces, includ-
9 ing the Sudan Liberation Army (SLA) and the Jus-
10 tice and Equality Movement (JEM), began in the
11 Darfur region of western Sudan.

12 (5) Evidence collected by international observ-
13 ers in the Darfur region between February 2003 and
14 September 2004 indicate a coordinated effort to tar-
15 get African Sudanese civilians in a scorched earth
16 policy, similar to that which was employed in south-
17 ern Sudan, that has destroyed African Sudanese vil-
18 lages, killing and driving away its people, while Arab
19 Sudanese villages have been left unscathed.

20 (6) As a result of this campaign, which the
21 United States Congress and executive branch have
22 declared to be genocide, an estimated 50,000 people
23 have been killed, 1,200,000 people have been inter-
24 nally displaced, and 200,000 people have been forced
25 to flee to neighboring Chad.

1 (7) Reports further indicate the systematic rape
2 of thousands of women and girls, the abduction of
3 women and children, and the destruction of hun-
4 dreds of ethnically African villages, including the
5 poisoning of their wells and the plunder of their
6 crops and cattle upon which the people of such vil-
7 lages sustain themselves.

8 (8) The Government of Sudan conducted aerial
9 attack missions and deadly raids across the inter-
10 national border between Sudan and Chad in an ille-
11 gal effort to pursue Sudanese civilians seeking ref-
12 uge in Chad.

13 (9) In addition to the thousands of violent
14 deaths directly caused by ongoing Sudanese military
15 and government sponsored militia attacks in the
16 Darfur region, the Government of Sudan has re-
17 stricted humanitarian access to the region, primarily
18 through bureaucratic and administrative obstruction,
19 in an attempt to inflict the most devastating harm
20 on those individuals displaced from their villages and
21 homes without any means of sustenance or shelter.

22 (10) The Government of Sudan's continued
23 support for the Janjaweed militias and their ob-
24 struction of the delivery of food, shelter, and medical
25 care to the Darfur region is estimated by the World

1 Health Organization to be resulting in up to 10,000
2 deaths per month and, should current trends con-
3 tinue, is projected to escalate to thousands of deaths
4 each day by December 2004.

5 (11) The United Nations Special Rapporteur on
6 Extrajudicial, Summary or Arbitrary Executions
7 stated in a recent report to the United Nations Sub-
8 Commission on Human Rights that “[i]t is beyond
9 doubt that the [G]overnment of Sudan is responsible
10 for extrajudicial and summary executions of large
11 numbers of people over the last several months in
12 the Darfur region”, and that “[t]he current humani-
13 tarian disaster unfolding in Darfur, for which the
14 government is largely responsible, has put millions of
15 civilians at risk”.

16 (12) Attacks on civilians in the Darfur region
17 continue despite an April 8, 2004, temporary cease-
18 fire agreement reached between the Government of
19 Sudan and the JEM and SLA rebel groups in
20 N’Djamena, Chad.

21 (13) The United Nations High Commissioner
22 for Human Rights identified “massive human rights
23 violations in Darfur perpetrated by the Government
24 of Sudan and the Janjaweed, which may constitute
25 war crimes and/or crimes against humanity”.

1 (14) On July 22, 2004, the United States
2 House of Representatives and Senate both declared
3 that the atrocities unfolding in Darfur, Sudan are
4 genocide.

5 (15) On September 9, 2004, Secretary of State
6 Colin L. Powell stated before the Committee on For-
7 eign Relations of the Senate: “When we reviewed the
8 evidence compiled by our team, along with other in-
9 formation available to the State Department, we
10 concluded that genocide has been committed in
11 Darfur and that the Government of Sudan and the
12 [Janjaweed] bear responsibility—and genocide may
13 still be occurring.”.

14 (16) On July 30, 2004, the United Nations Se-
15 curity Council passed Resolution 1556, calling upon
16 the Government of Sudan to disarm the Janjaweed
17 militias, apprehend and bring to justice Janjaweed
18 leaders and their associates who have incited and
19 carried out violations of human rights and inter-
20 national humanitarian law, as well as other atroc-
21 ities in the Darfur region.

22 (17) On September 18, 2004, the United Na-
23 tions Security Council passed Resolution 1564, de-
24 termining that the Government of Sudan had failed
25 to meet its obligations under Resolution 1556, call-

1 ing for a military flight ban in and over the Darfur
2 region, demanding the names of Janjaweed militia-
3 men disarmed and arrested for verification, estab-
4 lishing an International Commission of Inquiry into
5 violations of international humanitarian and human
6 rights laws, and threatening sanctions should the
7 Government of Sudan fail to fully comply with Secu-
8 rity Council Resolutions 1556 and 1564.

9 (18) The African Union's commitment to con-
10 flict resolution and peacekeeping on the continent,
11 and its mandate to prevent genocide, has led the or-
12 ganization to engage in both political and military
13 action in an effort to end the conflict in the Darfur
14 region.

15 (19) The SPLM should seek to play a construc-
16 tive role in bringing about a political settlement be-
17 tween the Government of Sudan, the SLA, and the
18 JEM.

19 (20) Practical implementation of a comprehen-
20 sive peace agreement for Sudan, as envisioned in the
21 Sudan Peace Act (50 U.S.C. 1701 note), and in the
22 Machakos Protocol of 2002, is hampered by the on-
23 going violence in the Darfur region and by the Gov-
24 ernment of Sudan's complicity in the violence.

1 (21) The Government of Sudan's complicity in
2 the atrocities in the Darfur region raises funda-
3 mental questions about the Government of Sudan's
4 commitment to peace and stability in Sudan.

5 **SEC. 4. SENSE OF CONGRESS REGARDING GENOCIDE AND**
6 **THE CONFLICT IN DARFUR, SUDAN.**

7 (a) SUDAN PEACE ACT.—It is the sense of Congress
8 that the Sudan Peace Act (50 U.S.C. 1701 note) remains
9 relevant and should be extended to include the Darfur re-
10 gion of Sudan.

11 (b) ACTIONS TO ADDRESS GENOCIDE AND THE CON-
12 FLICT IN DARFUR.—It is the sense of Congress that—

13 (1) the atrocities unfolding in the Darfur region
14 of Sudan are genocide;

15 (2) the Government of Sudan has violated the
16 Convention on the Prevention and Punishment of
17 the Crime of Genocide, signed at Paris on December
18 9, 1948, to which it is a contracting party, as a re-
19 sult of its complicity in the violence in the Darfur
20 region;

21 (3) a legitimate countrywide peace in Sudan
22 will only be possible if the principles enumerated in
23 the 1948 Universal Declaration of Human Rights,
24 as affirmed in the Machakos Protocol of 2002, and
25 the Nairobi Declaration on the Final Phase of Peace

1 in the Sudan, are applied to all of Sudan, including
2 the Darfur region;

3 (4) the parties to the Humanitarian Ceasefire
4 on the Conflict in Darfur (the Government of
5 Sudan, the SLA, and the JEM), signed in
6 N'Djamena, Chad, on April 8, 2004, must meet
7 their obligations under that agreement, including—

8 (A) to give up the use of force as a means
9 of settling the conflict in the Darfur region;

10 (B) to allow safe and immediate access for
11 the provision of humanitarian assistance
12 throughout the Darfur region;

13 (C) to allow the deployment of and cooper-
14 ate with international monitors and security
15 forces; and

16 (D) to expedite the conclusion of a political
17 agreement to end the conflict in the Darfur re-
18 gion;

19 (5) the President should impose targeted sanc-
20 tions on the assets and activities of those Sudanese
21 Government officials and other individuals who are
22 determined to be involved in planning, carrying out,
23 or otherwise involved in the policy of genocide in the
24 Darfur region, as well as on the assets and activities

1 of businesses controlled by the Government of Sudan
2 and the National Congress Party;

3 (6) the United States Government should not
4 normalize relations with Sudan, including through
5 the lifting of any sanctions, until the Government of
6 Sudan agrees to and takes demonstrable steps to im-
7 plement a comprehensive peace agreement for all
8 areas of Sudan, including the Darfur region;

9 (7) the United States and the international
10 community should use all necessary means to assist
11 international monitors and security forces in the
12 Darfur region, particularly the African Union moni-
13 toring team, in order to ensure an appropriate inter-
14 national response to the crisis in the Darfur region;

15 (8) the United States should continue to pro-
16 vide humanitarian assistance to the areas of Sudan
17 to which the United States has access and, at the
18 same time, implement a plan to provide assistance to
19 the areas of Sudan to which access has been ob-
20 structed or denied;

21 (9) the President should appoint a new Special
22 Presidential Envoy for Peace in the Sudan to com-
23 plement and continue the work of former Senator
24 John C. Danforth, who shall be tasked with assist-
25 ing all parties to the conflict in Sudan, including in

1 the Darfur region, to achieve a just, comprehensive,
2 and permanent peace in Sudan;

3 (10) the member states of the United Nations,
4 particularly the member states from the African
5 Union, the Arab League, and the Organization of
6 the Islamic Conference, should undertake urgent
7 measures to prevent the genocide in the Darfur re-
8 gion from escalating further, including the imposi-
9 tion of targeted sanctions against those responsible
10 for the atrocities; and

11 (11) the international community, including Af-
12 rican, Arab, and Muslim nations, should immediately
13 provide logistical, financial, in-kind, and personnel
14 resources necessary to save the lives of hundreds of
15 thousands of individuals at risk as a result of the
16 Darfur crisis.

17 **SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.**

18 (a) ASSISTANCE FOR THE CRISIS IN DARFUR AND
19 FOR COMPREHENSIVE PEACE IN SUDAN.—

20 (1) IN GENERAL.—The Sudan Peace Act (50
21 U.S.C. 1701 note) is amended by adding at the end
22 the following new section:

1 **“SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND**
2 **FOR COMPREHENSIVE PEACE IN SUDAN.**

3 “(a) ASSISTANCE TO SUPPORT A COMPREHENSIVE
4 FINAL PEACE AGREEMENT IN SUDAN AND TO RESPOND
5 TO THE HUMANITARIAN CRISIS IN DARFUR.—

6 “(1) AUTHORITY.—Subject to the requirements
7 of this section, the President is authorized to provide
8 assistance for Sudan—

9 “(A) to support the implementation of a
10 comprehensive peace agreement that applies to
11 all regions of Sudan, including the Darfur re-
12 gion; and

13 “(B) to address the humanitarian and
14 human rights crisis in the Darfur region and
15 eastern Chad, including to support the African
16 Union mission in the Darfur region of Sudan.

17 “(2) REQUIREMENT FOR CERTIFICATION.—
18 Notwithstanding section 501(a) of the Assistance for
19 International Malaria Control Act (Public Law 106–
20 570; 50 U.S.C. 1701 note), assistance authorized
21 under this section may be provided to the Govern-
22 ment of Sudan only if the President transmits the
23 certification described in paragraph (3).

24 “(3) CERTIFICATION FOR THE GOVERNMENT
25 OF SUDAN.—The certification referred to in para-
26 graph (2) is a certification transmitted by the Presi-

1 dent to the appropriate congressional committees
2 that the Government of Sudan has taken demon-
3 strable steps to—

4 “(A) ensure that the armed forces of
5 Sudan and any associated militias are not com-
6 mitting atrocities or obstructing human rights
7 monitors or the provision of humanitarian as-
8 sistance;

9 “(B) demobilize and disarm militias sup-
10 ported or created by the Government of Sudan;

11 “(C) allow full and unfettered humani-
12 tarian assistance to all regions of Sudan, in-
13 cluding Darfur;

14 “(D) allow an international commission of
15 inquiry to conduct its investigation of atrocities
16 in the Darfur region and Khartoum, preserve
17 evidence of atrocities and prosecute those re-
18 sponsible for war crimes, crimes against hu-
19 manity, and genocide;

20 “(E) cooperate fully with the African
21 Union and all other observer and monitoring
22 missions mandated to operate in Sudan;

23 “(F) ensure the safe return of displaced
24 persons and refugees to their homes and rebuild
25 the communities destroyed in the violence;

1 “(G) implement the Nairobi Declaration on
2 the Final Phase of Peace in the Sudan; and

3 “(H) install a new coalition government
4 based on the agreements reached in the Nairobi
5 Declaration on the Final Phase of Peace in the
6 Sudan.

7 “(4) SUSPENSION OF ASSISTANCE.—If, on a
8 date after the President transmits the certification
9 described in paragraph (3), the President determines
10 that the Government of Sudan has ceased taking the
11 actions described in such paragraph, the President
12 shall immediately suspend the provision of any as-
13 sistance to such Government until the date on which
14 the President transmits to the appropriate congres-
15 sional committees a further certification that the
16 Government of Sudan has resumed taking such ac-
17 tions.

18 “(5) AUTHORIZATION OF APPROPRIATIONS.—

19 “(A) IN GENERAL.—In addition to any
20 other funds otherwise available for such pur-
21 poses, there are authorized to be appropriated
22 to the President—

23 “(i) \$100,000,000 for each of the fis-
24 cal years 2005, 2006, and 2007 to carry
25 out paragraph (1)(A); and

1 “(ii) \$150,000,000 for fiscal year
2 2005 to carry out paragraph (1)(B).

3 “(B) AVAILABILITY.—Amounts appro-
4 priated pursuant to the authorization of appro-
5 priations under subparagraph (A) are author-
6 ized to remain available until expended.

7 “(b) GOVERNMENT OF SUDAN DEFINED.—In this
8 section, the term ‘Government of Sudan’ means the Na-
9 tional Islamic Front government in Khartoum, Sudan, or
10 any successor government formed on or after the date of
11 the enactment of the Comprehensive Peace in Sudan Act
12 (other than the coalition government agreed upon in the
13 Nairobi Declaration on the Final Phase of Peace in the
14 Sudan).”.

15 (2) CONFORMING AMENDMENT.—Section 3(2)
16 of such Act is amended by striking “The” and in-
17 serting “Except as provided in section 12, the”.

18 (b) REPORTING REQUIREMENT.—Section 8 of the
19 Sudan Peace Act (50 U.S.C. 1701 note) is amended in
20 the first sentence by striking “Sudan” and inserting
21 “Sudan, including the conflict in the Darfur region”.

22 **SEC. 6. PROHIBITION ON TRADING IN UNITED STATES CAP-**
23 **ITAL MARKETS.**

24 (a) PROHIBITION.—The President shall exercise the
25 authorities he has under the International Emergency

1 Economic Powers Act (without regard to the requirements
2 set forth in section 202 of that Act) to prohibit any entity
3 engaged in any commercial activity in Sudan—

4 (1) from raising capital in the United States; or

5 (2) from trading its securities (or depository re-
6 cepts with respect to its securities) in any capital
7 market in the United States.

8 (b) PENALTIES.—The penalties under section 206 of
9 the International Emergency Economic Powers Act shall
10 apply to violations under subsection (a) to the same extent
11 as such penalties apply to violations under that Act.

12 **SEC. 7. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.**

13 (a) SANCTIONS.—

14 (1) SUDAN PEACE ACT.—Beginning on the date
15 of the enactment of this Act, the President shall,
16 notwithstanding paragraph (1) of section 6(b) of the
17 Sudan Peace Act (50 U.S.C. 1701 note), implement
18 the measures set forth in subparagraphs (A)
19 through (D) of paragraph (2) of such section.

20 (2) HOMELAND SECURITY ACT OF 2002.—Be-
21 ginning on the date of the enactment of this Act, the
22 Secretary of State shall, notwithstanding section
23 428(b) of the Homeland Security Act of 2002 (6
24 U.S.C. 236(b)), prohibit the granting of a visa to—

1 (A) a senior member of the Government of
2 Sudan;

3 (B) a senior official of the military of
4 Sudan; or

5 (C) a family member of an individual de-
6 scribed in subparagraph (A) or (B).

7 (b) SUSPENSION OF SANCTIONS.—The President
8 may suspend the application of paragraph (1) or (2) of
9 subsection (a), or both, if the President transmits to the
10 appropriate congressional committees a certification in ac-
11 cordance with paragraph (3) of section 12(a) of the Sudan
12 Peace Act (as added by section 5(a)(1) of this Act).

13 (c) REINSTATEMENT OF SANCTIONS.—The President
14 shall reinstate the sanctions listed in paragraph (1) or (2)
15 of subsection (a), or both, that have been suspended under
16 subsection (b) (as the case may be) if at any time the
17 President determines and certifies to the appropriate con-
18 gressional committees that the Government of Sudan is
19 no longer in compliance with any of the criteria listed in
20 subparagraphs (A) through (H) of section 12(a)(3) of the
21 Sudan Peace Act (as added by section 5(a)(1) of this Act).

22 (d) WAIVER.—The President may waive the applica-
23 tion of paragraph (1) or (2) of subsection (a), or both,
24 if the President determines and certifies to the appro-

1 priate congressional committees that such a waiver is in
2 the national security interest of the United States.

3 (e) CONTINUATION OF RESTRICTIONS.—Restrictions
4 against the Government of Sudan that were imposed pur-
5 suant to title III and sections 508, 512, and 527 of the
6 Foreign Operations, Export Financing, and Related Pro-
7 grams Act, 2004 (division D of Public Law 108–199; 118
8 Stat. 143), or any other similar provision of law, may not
9 be lifted pursuant to such provisions of law unless the
10 President transmits a certification to the appropriate con-
11 gressional committees in accordance with paragraph (3)
12 of section 12(a) of the Sudan Peace Act (as added by sec-
13 tion 5(a)(1) of this Act).

14 **SEC. 8. DISCLOSURE OF BUSINESS ACTIVITIES IN SUDAN.**

15 (a) ANNUAL REPORT TO CONGRESS.—The Secretary
16 of the Treasury shall, not later than 180 days after the
17 date of the enactment of this Act, and not later than the
18 end of each 1-year period thereafter, submit to Congress
19 a report that includes—

20 (1) the identity of all entities that are engaged
21 in commercial activity in Sudan;

22 (2) the nature and extent of that commercial
23 activity in Sudan, including any plans for expansion
24 or diversification;

1 (3) the identity of all agencies of the Sudanese
2 Government with which any such entity is doing
3 business; and

4 (4) the relationship of the commercial activity
5 to any violations of religious freedom and other
6 human rights in Sudan.

7 (b) DISCLOSURE TO THE PUBLIC.—The Secretary of
8 the Treasury shall publish or otherwise make available to
9 the public each report submitted under subsection (a).

10 **SEC. 9. MULTILATERAL EFFORTS.**

11 The President, acting through the United States Per-
12 manent Representative to the United Nations, should—

13 (1) press the United Nations Security Council
14 to pursue accountability for those who are found re-
15 sponsible for orchestrating and carrying out the
16 atrocities in the Darfur region, consistent with
17 United Nations Security Council Resolutions 1556
18 (July 30, 2004) and 1564 (September 18, 2004);

19 (2) encourage member states of the United Na-
20 tions to—

21 (A) freeze the assets of senior members of
22 the Government of Sudan and their families
23 held in each such member state;

24 (B) cease to import Sudanese oil;

1 (C) restrict the entry or transit of senior
2 members of the Government of Sudan and their
3 families through each such member state; and

4 (D) deny permission for any aircraft reg-
5 istered in Sudan to take off from, land in, or
6 overfly each such member state; and

7 (3) urge member states of the United Nations
8 to cease selling arms to the Government of Sudan,
9 including by—

10 (A) taking the necessary measures to pre-
11 vent the sale or supply to armed elements act-
12 ing within the territory of Sudan, including the
13 Government of Sudan, the Janjaweed and the
14 Popular Defense Forces, by the nationals of
15 such member states, from the territories of
16 such member states, or through the use of flag
17 vessels or aircraft of such member states, of
18 arms and related materiel of all types, including
19 weapons and ammunition, military vehicles and
20 equipment, paramilitary equipment, and spare
21 parts, as well as technical training or assistance
22 related to the provision, manufacture, mainte-
23 nance or use of such items, whether or not orig-
24 inating in the territories of such member states;
25 and

1 (B) ensuring that the measures imposed in
2 subparagraph (A) shall not apply to—

3 (i) supplies and related technical
4 training and assistance to monitoring,
5 verification, or peace support operations,
6 including such operations led by regional
7 organizations, that are authorized by the
8 United Nations or are operating with the
9 consent of the relevant parties;

10 (ii) supplies of non-lethal military
11 equipment intended solely for humani-
12 tarian, human rights monitoring or protec-
13 tive use, and related technical training and
14 assistance; and

15 (iii) supplies of protective clothing, in-
16 cluding flak jackets and military helmets,
17 for the personal use of United Nations or
18 African Union personnel, human rights
19 monitors, representatives of the media and
20 humanitarian and development workers
21 and associated personnel.

1 **SEC. 10. REPORT ON UNITED STATES RESPONSE TO A COM-**
2 **PREHENSIVE PEACE AGREEMENT FOR**
3 **SUDAN.**

4 (a) REPORT.—Not later than 60 days after the date
5 of enactment of this Act, the President shall transmit to
6 the appropriate congressional committees a report on the
7 planned United States response to a comprehensive peace
8 agreement for Sudan.

9 (b) CONTENT.—The report required by subsection
10 (a) shall include—

11 (1) a description of the planned United States
12 response to a modified peace process between the
13 Government of Sudan and the SPLM that would ac-
14 count for the implementation of a peace in all re-
15 gions of Sudan, in particular Darfur;

16 (2) a contingency plan for extraordinary hu-
17 manitarian assistance should the Government of
18 Sudan continue to obstruct or delay the inter-
19 national humanitarian response to the crisis in
20 Darfur, Sudan;

21 (3) if applicable, a notification and explanation
22 of the President's intention to decline to impose tar-
23 geted sanctions on the assets and activities of those
24 Sudanese government officials and other individuals
25 that are involved in carrying out the policy of geno-
26 cide in the Darfur region, as well as on the assets

1 and activities of businesses controlled by the Govern-
2 ment of Sudan and the National Congress Party;
3 and

4 (4) if applicable, a notification and explanation
5 of the Government of the United States' intention to
6 normalize relations with Sudan, including through
7 the lifting of any sanctions, until the Government of
8 Sudan agrees to and implements a comprehensive
9 peace agreement for all areas of Sudan, including
10 Darfur.

11 (c) FORM OF REPORT.—The report required by sub-
12 section (a) may be transmitted in classified form.

13 **SEC. 11. ADDITIONAL AUTHORITIES; EXCEPTION TO EX-**
14 **PORT PROHIBITIONS.**

15 (a) ADDITIONAL AUTHORITIES.—Notwithstanding
16 any other provision of law, the President is authorized to
17 undertake appropriate programs using Federal agencies,
18 grants or contractual arrangements, or direct support of
19 indigenous groups, agencies, or organizations in areas out-
20 side of control of the Government of Sudan in an effort
21 to provide emergency relief, promote economic self-suffi-
22 ciency, build civil authority, provide education, enhance
23 rule of law and the development of judicial and legal
24 frameworks, support people-to-people reconciliation ef-
25 forts, or implement any program in support of any viable

1 peace agreement at the local, regional, or national level
2 in Sudan.

3 (b) EXCEPTION TO EXPORT PROHIBITIONS.—Not-
4 withstanding any other provision of law, the prohibitions
5 set forth with respect to Sudan in Executive Order No.
6 13067 of November 3, 1997 (62 Fed. Reg. 59989), shall
7 not apply to any export from an area in Sudan outside
8 of the control of the Government of Sudan, or to any nec-
9 essary transaction directly related to that export, if the
10 President determines that the export or related trans-
11 action, as the case may be, would directly benefit the eco-
12 nomic development of that area and its people.

Mr. ROYCE. All the Members have the amendment. I recognize Mr. Tancredo in terms of the amendment.

Mr. TANCREDO. I do not think I will take the 5 minutes. I will say that the most absolute change, the significant change, in this is the change in the commercial engagement prohibition. We have rolled it back to the original language that was in the bill and also to the law that exists that we have implemented in other areas, specifically in the Malaria Act. It does allow for the exportation—we still would allow for the exportation of goods out of Sudan. I hope that we will and I am doing this because I believe, as the Chairman has suggested, that this is necessary for the passage of the bill. But as time goes by, I am hoping that we will be able to revisit this, if need be, and a number of other things if the total effect of this bill is not as we hope and that peace does not soon come to that land. But that is essentially the change in the substitute. Mr. Chairman, I move the amendment.

Mr. ROYCE. The question occurs on the amendment in the nature of a substitute. All in favor say aye. All opposed no. The ayes have it. And the motion is approved.

Would any of the Members like to speak on the bill?

Mr. FLAKE. Mr. Chairman, I commend Mr. Tancredo, yourself and others who have had a hand in drafting this and for all the work you have done to bring peace to Sudan. It is a tall order, as was mentioned. I compliment your enduring efforts in this regard. I support the legislation with the understanding that the capital market sanctions will be dealt with later. I do have a problem with that, but with that understanding, I support the legislation. Thank you.

Mr. ROYCE. Ms. Lee.

Ms. LEE. Thank you, Mr. Chairman. Let me also thank you, Ranking Member Payne and Mr. Tancredo for your leadership and staying vigilant on efforts to support peace and security for the people of Darfur. We would not be here if it were not for this bipartisan commitment to the people of Darfur. We all agree that the United States must lead the international community in a campaign to save lives. Basically, that is what this is about, and to help the people of Darfur who, today, continue to remain vulnerable socially, economically and politically.

In Darfur's war-torn region, the African Union troops attempt to keep the peace with very limited resources and support. Gunshots are heard in the darkness as thieves and thugs continue to intimidate, murder, rape and steal from people. Thugs who are cheating them from their right to protection and peace and their right to a decent life. Men and women dig mass graves, scrambling to identify the bodies of lost loved ones. Children are not going to school. Women do not have food and clean water for their families.

With so many casualties, so many sick people, so many still missing and so much despair, the United States must step up and meet our moral obligation to protect Darfurians in dire need. We must aid Darfur with a real commitment to help the people build what continues to elude them, and that is a substantial investment in their country and community in them. They need basic food and provisions and support for a true democracy and peace in the Sudan.

So the murder, the death, the rape and the suffering of the people of Darfur is genocide. We all recognize it as such. We know it is such. And today as we mark up H.R. 5061, we will set in motion what I believe will be the first of many, hopefully, the first of many total sanctions against the Khartoum Government. I support this legislation and I am proud to be a co-sponsor of it. I hope that it will help us move quickly in terms of ensuring peace, stability and security for all of the people in Sudan.

Thank you, Mr. Chairman. Thank you, Mr. Payne and Mr. Tancredo, for really making sure that the United States is on the correct side of history.

Mr. ROYCE. Thank you, Ms. Lee. We will go to Mr. Green.

Mr. GREEN. Thank you, Mr. Chairman. Mr. Chairman, some years ago, this Nation and the community of nations watched as a tragedy unfolded in Burundi and Rwanda. And many people have since said it was their great shame that we did not act, we, being the community of nations, when we could have and when we should have. We recently marked the anniversary of that tragedy not so very long ago and there were lots of speeches about how sorry we were and how it would never happen again.

Of course it is happening again before our eyes. I think the experience of Rwanda creates an even greater obligation for all of us. And I am fully supportive of what we are doing here today, but I fear it is not enough. I have no easy answer because I do not believe that there are easy answers here. I think it is a very deep and long-abiding problem. But perhaps as much as anything else, this legislation is important because it forces Congress and it forces the world to face this problem head on. And if nothing else, I think that is very, very useful. With that, I yield back.

Mr. ROYCE. Thank you. We will go to Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman. I once again thank Mr. Tancredo and, like him, we are dismayed that capital market sanctions will not be what comes to the Floor and other import/export items that we were hoping. I think that we have to really start looking at human life in a more serious way, and there were things that I used to be opposed to that, because of the circumstances, I have had to change my view on, as I have become supportive of things that I once opposed, because time changed my way. And I would hope that eventually we can get over this opposition to capital market sanctions.

I think when capital market, when money, when dollars are more important than the genocide that goes on, because the genocide that we see today are those we watch on television. Genocides that went on before, they were not recorded, we never saw it, no one saw as they were unfolding. And so I hope that at one point in time we can use capital, since that is what everyone drives for, capitalism, since it is such a driver in the world, to stop tyranny.

We need to look at the Most Favored Nations Status that the People's Republic of China get as they enslave their own people. We need to look at the balance of trade deficit that they have and the capital that they get from this country as they refuse to allow strong U.N. resolutions that come before the Security Council because they have veto power. We have capital power and if we are not going to be sending our men and women into harm's way in

the future, we will see less and less of that. If we are going to deal with these tyrants, we are going to have to deal with things differently.

I would hope, at some point in time, we could start using the vast capital that we have in this country to be punitive to these people who take human lives, that make money out of the blood of other people. It is blood oil. If they use blood oil, they should not be able to take our capital markets because then our capital is blood capital. That is an argument for another day.

We certainly do not have the will in Congress to change that at this point. But hopefully, as time moves on, we can start to have a refocus on capital.

Mr. ROYCE. Thank you, Mr. Payne. I share with you that there was a time when I, too, saw capital market sanctions as a slippery slope, but that was back in university. That was back before we saw the atrocities committed in southern Sudan, and certainly now the atrocities committed in Darfur. And I, like you, have changed my opinion on this subject, and my hope is that capital market sanctions will be deployed in Sudan if we do not get a peace agreement, and if we do not get a resolution and an end to the killing in Darfur.

But with that said, I just want to, at this point, commend Mr. Tancredo and Mr. Payne, and I commend them for their consistent leadership on this issue over the years. And it is my fervent hope that we can get some cooperation from the Senate, and maybe even more importantly, that we can get some cooperation from the Security Council and other member states of the United Nations. And I trust that this measure will help in that regard.

So at this time the Chair will entertain a motion on the bill that it be reported favorably to the Full Committee as amended.

Mr. TANCREDO. So moved.

Mr. ROYCE. The question occurs on the motion to report the bill H.R. 5061 favorably as amended. All those in favor say aye. The motion is approved. The bill is reported favorably. Without objection, the staff is directed to make any technical and conforming amendments. And at this point this markup is adjourned.

[Whereupon, at 3:55 p.m., the Subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE GREGORY W. MEEKS, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW YORK

I would first like to commend my colleague Tom Tancredo and other members of the Africa Subcommittee for working so hard to bring a bill to this committee that will hopefully be successful in letting the Sudanese government and the world know that genocide, no matter where it takes place, will not be tolerated!

I would also like to thank my colleagues for working closely with me to include language to this bill that will provide \$150 million to support the peacekeeping efforts of the African Union and provide humanitarian assistance to those who have been raped, tortured, and driven from their homes by the Sudanese government troops and the Janjaweed.

The leadership efforts of the African Union in attempting to stop the atrocities in Darfur must be recognized. African Union Chairman, President Olusegun Obasanjo of Nigeria has held peace talks between the Sudanese government and two African rebel groups from Darfur in Abuja, Nigeria since August 23, 2004. The African Union has also sent 100 personnel to monitor the situation as well as 305 Rwandan and Nigerian peacekeepers.

However, we all know that 305 peacekeepers is simply not enough to stop a genocide in a region that is roughly the size of France.

That is why I have requested that \$150 million be added to this bill so that the survivors of this horrible genocide can not only get the food and water that they need to survive life in the refugee camps, but also so that the mission of the African Union can be expanded to 3 or 4,000 instead of 300 to end the genocide once and for all!

It is my hope that at least \$100 million will go to the expansion of African Union troops so that this genocide can be stopped.

Thank you.

